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Report of the Working Group on the Universal Periodic Review*

Monaco

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Monaco was held at the 11th meeting on 28 October 2013. The delegation of Monaco was headed by José Badia, Minister of Foreign Affairs. At its 18th meeting, held on 31 October 2013, the Working Group adopted the report on Monaco.

2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Monaco: Guatemala, the Philippines and Uganda.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Monaco:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/MCO/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/17/MCO/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/MCO/3).

4. A list of questions prepared in advance by the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Monaco through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. At the 11th meeting of the Working Group on the Universal Periodic Review, held on 28 October 2013, Mr. José Badia, Minister for Foreign Affairs, introduced the national report and made an opening statement in which he expressed gratitude for the opportunity to report on the progress made in the promotion and protection of human rights and the implementation of the recommendations made by the Human Rights Council in 2009. With regard to the preparations for the second universal periodic review, he emphasized the involvement of civil society and of the National Council (Parliament).

6. He described some of the specific features of the Principality of Monaco: (a) it is an independent sovereign State that covers an area of only 2.02 square kilometres; (b) it is a hereditary constitutional monarchy that upholds the primacy of the law and ensures the separation of powers; (c) it is a country made up of only 36,000 inhabitants, of which about 8,600 have Monegasque nationality.

7. He noted that the Principality was deeply committed to the promotion and protection of human rights, which constituted priorities in its national and international policy. Many of the laws it had adopted reflected that commitment, including (a) Act No 1.359 of 20 April 2009 on the establishment of an antenatal and family support coordination centre, amending article 248 of the Criminal Code and article 323 of the Civil Code; (b) Act No. 1.387 of 19 December 2011 amending Act No. 1.155 on nationality; (c) Act No. 1.382 of

20 July 2011 on the prevention and punishment of specific forms of violence; and Act No. 1.399 of 25 June 2013 instituting reforms of the Code of Criminal Procedure in respect of police custody.

8. He indicated that draft legislation on video surveillance was being prepared, to take account of recommendations made by the Commissioner for Human Rights of the Council of Europe.

9. Concerning the inheritance rights of children, he pointed out that Act. No. 1.278 of 29 December 2003, amending certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code, had abolished any distinction in the inheritance rights of natural children, legitimate children and children born out of wedlock or of an incestuous relationship.

10. With regard to harassment in the workplace, he recalled that Act No. 1.382, cited above, had resulted in the inclusion in the country's criminal legislation of Criminal Code article 236-1, which made any harassment a criminal offence, and that on 18 December 2012, the Government of the Principality had submitted to the National Council Bill No. 908 on harassment and violence in the workplace.

11. On the international level, in 2009, the Principality signed the Convention on the Rights of Persons with Disabilities. Bill No. 893 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities was submitted by the Government to the National Council on 7 December 2011 and was currently under study. The text had been drawn up with reference to the provisions of the Convention that the Principality was planning to ratify.

12. Monaco had also signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and the Council of Europe Convention on Cybercrime. The process of ratifying the latter convention was currently under way.

13. The Principality had also ratified the Protocol relating to the Status of Refugees and the Convention against Discrimination in Education of the United Nations Education, Scientific and Cultural Organization (UNESCO).

14. Monaco was soon to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the so-called Lanzarote Convention). The impact of possible accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was currently being studied.

15. Following extensive consideration of the possibility of ratifying the Rome Statute of the International Criminal Court, the Government had identified the difficulties that would be involved in terms of concordance with institutions at the domestic level. Nevertheless, Monaco was determined to cooperate with the Court on a case-by-case basis in matters for which the Court requested its collaboration, as had already been the case in the past.

16. The delegation of Monaco indicated that the Principality had established extraterritorial jurisdiction over cruel treatment, torture, mutilation, organ trafficking, rape and other forms of sexual violence.

17. The head of the delegation noted that the Principality of Monaco had either set up or modernized the following institutions: (a) the antenatal and family support coordination centre; (b) the Princess Charlene Children's Home (formerly the Sainte Dévote home); and (c) the Rainier III Clinic Gerontology Centre. In early 2014, the office of High Commissioner for the protection of rights and freedoms and mediation had been established.

18. In terms of raising public awareness about the struggle against discrimination, for several years the Department of National Education, Youth and Sports had been involved in a number of publicity campaigns. Prevention programmes were likewise taking part in the effort to combat any form of discrimination: for example, as part of their work to combat sexually transmitted infections, they dealt with the exclusion of persons living with AIDS. Every year Monaco celebrated International Women's Day, the International Day of Persons with Disabilities and Universal Children's Day.

19. With regard to the participation of women in decision-making, the head of the delegation said that generally speaking, there were many women in senior posts in the Monegasque administration and in the judiciary. There was also a woman Minister for Public Works, the Environment and Urban Development.

20. Concerning non-discrimination in employment, he said that rights in the field of employment were exercised without distinction, with the exception of rights related to nationality or place of residence, and there, it was a matter not of discrimination but of priorities specifically based on the limited number of citizens of Monaco, who constituted a minority in their own country. Regarding social security for workers, he emphasized that the relevant legislation and regulations created no distinctions among beneficiaries based on their nationality.

21. With regard to disabilities, he noted that in 2006, the Principality of Monaco had appointed a delegate with responsibility for persons with disabilities. The Government had made significant efforts in recent years to facilitate access to public facilities, to the city and to public transport for persons with disabilities.

22. Concerning domestic violence, he noted that Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence had been adopted for the very purpose of strengthening the protection of women, children and persons with disabilities.

23. In education, he explained that courses in history and civics were based on the fundamental principles of human rights, education in which was compulsory in the Monegasque national curriculum.

24. Despite the particularly difficult international context, the Government sought to maintain its commitment to international solidarity with the most disadvantaged groups (women, children, persons with disabilities) and those severely affected by conflict.

B. Interactive dialogue and responses by the State under review

25. During the interactive dialogue, 40 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

26. The Islamic Republic of Iran welcomed the statement of Monaco and expressed concern over a number of human rights violations, including the distinction between native and naturalized Monegasques, which introduced a form of discrimination regarding the rights associated with citizenship. It noted that Monegasque legislation had created various groups of foreigners with different rights and protection according to their nationality. It made recommendations.

27. Ireland noted that Monaco had signed the Rome Statute of the International Criminal Court and acknowledged its commitment to cooperate with the Court on a case-by-case basis. Ireland considered that the ratification of the Rome Statute would be a timely reaffirmation of the commitment Monaco had made to fighting impunity. It noted that the criminalization of defamation was a disproportionate restriction on freedom of expression. Ireland made recommendations.

28. Malaysia commended efforts concerning legislation on criminal procedure, nationality, violence and offences against children, which would enhance human rights. It also noted the commitment of Monaco to combating poverty, providing quality education, promoting and protecting the rights of women and children and improving living conditions for persons with disabilities. It encouraged Monaco to share best practices regarding persons with disabilities, particularly in the field of education. Malaysia made a recommendation.

29. Maldives welcomed the steps taken to strengthen human rights, particularly through legislation. It commended the implementation of recommendations from the first UPR cycle. It praised the human rights record of Monaco and was encouraged by its human rights education programme in schools and in the workplace. It noted the excellent work of the Human Rights and Fundamental Freedoms Unit and the Minister for Appeals and Mediation, and commended Monaco for its bill to strengthen the mediator's mandate. Maldives made recommendations.

30. Mauritius commended Monaco for its commitment to the UPR and noted the positive steps it had taken to amend existing legislation and adopt new legislation aimed at promoting and protecting its citizens' rights. Mauritius wished to learn about best practices in Monaco on guaranteeing a better quality of life for persons with disabilities. It further commended Monaco for its initiatives to raise awareness about human rights. Mauritius made a recommendation.

31. Mexico commended Monaco for its work on human rights education. It took note of the amendments Monaco had made to its legislation regarding the transfer of nationality, in particular from the mother, as well as progress made on establishing conditions to improve gender equality. It asked about specific measures adopted to improve migrant and cross-border workers' rights to social security and decent labour conditions. Mexico made recommendations.

32. Montenegro commended Monaco for its follow-up to the previous UPR cycle and welcomed its continuous efforts to strengthen and promote human rights through the adoption of domestic legislation and consistent implementation. It asked whether Monaco planned to ratify the Optional Protocol to the Convention against Torture and why the Criminal Code still contained provisions on defamation. Montenegro made a recommendation.

33. Germany welcomed amendments to the Criminal Code concerning racially-motivated crimes. It asked to what extent Monaco intended to modify its immigration policy to remove discrepancies between the treatment of Monegasque natives and foreigners and how it intended to adapt its labour market regulations to strengthen their compatibility with basic principles, such as gender equality. Germany made a recommendation.

34. The Netherlands commended Monaco for progress made since 2009. It noted, however, that Monaco could improve protection against discrimination in its legislation, particularly protection of foreigners. It urged Monaco to ratify the Rome Statute. The Netherlands made recommendations.

35. Nicaragua welcomed the amendments to the legal framework, the ratification of additional international human rights instruments since the first review of Monaco and the improvements it had made to the situation of persons with disabilities. It noted, however, that Monaco was not member of the International Labour Organization (ILO) and stressed that Monaco should work harder to establish the necessary conditions to achieve the full enjoyment of workers' economic and social rights. Nicaragua made a recommendation.

36. Nigeria warmly welcomed the delegation of Monaco and thanked it for its active participation in the UPR process. It expressed appreciation for the tentative report that Monaco had voluntarily submitted in 2012 in response to the conclusions and recommendations adopted during the first review in 2009. Nigeria made recommendations.

37. Oman noted that the report demonstrated the commitment of Monaco to the UPR and commended it for the measures it had adopted to comply with its international obligations, including the promotion and protection of human rights through a series of laws. Oman welcomed the efforts Monaco had made to strengthen its policies, particularly on protecting women and children from violence, and on persons with disabilities, health care, education and welfare. Oman made a recommendation.

38. The Republic of Moldova requested information on the application of the Act on the prevention and punishment of specific forms of violence and on decisions issued by judicial authorities to protect victims. It encouraged Monaco to ensure the independence of the office of Minister for Appeals and Mediation. It asked whether Monaco planned to ratify the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It invited Monaco to share its experiences in implementing UPR recommendations. It made a recommendation.

39. Senegal praised the achievements of Monaco in strengthening the promotion and protection of human rights and improving the living conditions of older persons and persons with disabilities. It welcomed the amendment to the law on nationality allowing Monegasque women to transmit their nationality to their spouses. Senegal was sure that Monaco would take steps to prevent and raise awareness of racism and racial discrimination.

40. Slovakia appreciated the commitment of Monaco to the promotion and protection of human rights and the progress it had made since its last UPR cycle. Slovakia strongly supported the fight against impunity for perpetrators of the most serious crimes and noted that global ratification of the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities of the International Criminal Court was of utmost importance. Slovakia made a recommendation.

41. Referring to recommendations it had made during the first review of Monaco, Slovenia took note of the difficulties Monaco faced at the national level with the ratification of the Rome Statute and expressed the hope that it would adjust its institutional structure to overcome those obstacles. It noted with appreciation that, in 2012, Monaco had signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Slovenia made recommendations.

42. Spain congratulated Monaco for its humanitarian action policies and its participation in various international humanitarian bodies. Noting the bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, Spain asked about measures adopted to promote the integration of persons with disabilities into the labour market and ensure their equal access to education. Spain made recommendations.

43. Thailand welcomed the efforts Monaco had made to put voluntary pledges into action since its first review. It commended Monaco for the measures it had taken to promote women's and children's rights and to eliminate discrimination in education, as well as progress regarding persons with disabilities. It noted that labour legislation still contained distinctions concerning nationality and residence and that there was no legislation in place to protect the rights of foreign workers. Thailand made recommendations.

44. Togo noted that human rights had been strengthened in Monaco since its last UPR cycle. It commended Monaco for developments in its domestic legislation and noted that it

had become a signatory to the Convention on the Rights of Persons with Disabilities. Togo welcomed the measures Monaco had taken to protect children, to protect women from violence, and to improve the situation of persons with disabilities, and the specific campaigns and school programmes it had launched to combat discrimination. Togo praised the legislative amendment allowing women to transmit their nationality to their spouses and children. Togo made recommendations.

45. Tunisia noted the progress Monaco had made in human rights since its 2009 UPR cycle, particularly the ratification of regional and international human rights instruments and the revision of laws on nationality and police custody. It also noted the commitment of Monaco to international development and encouraged it to increase development aid to 0.7 per cent of its GDP. Tunisia made recommendations.

46. With regard to international cooperation, the Minister for Foreign Affairs noted that the Government of Monaco sought to maintain its commitment to international solidarity with the most disadvantaged groups and those severely affected by conflict. Monegasque development cooperation activities, which were primarily targeted at the eradication of poverty, had been refocused in some 20 partner countries, most of them least developed countries.

47. Aid from Monaco provided support for some 120 development cooperation projects every year. Assistance was also allocated to international organizations (health, protection of children, human rights, environmental protection and humanitarian emergency assistance).

48. Concerning the criminalization of racist acts, he said that under Act No. 1.299 of 15 July 2005 on freedom of public expression, any racially motivated provocation, irrespective of the means used, was a criminal offence. The Government of the Principality had not ruled out the possibility of amending the Criminal Code to make racist motivation an aggravating circumstance.

49. As to the ratification of the Rome Statute of the International Criminal Court, the Principality of Monaco had already identified several structural problems, mostly constitutional. However, it had already responded favourably to requests from the Court for judicial assistance and cooperation.

50. Responding to the question on defamation, he said that although it was specifically criminalized, that was not an obstacle to freedom of expression. The very purpose of its criminalization was to protect persons against defamation on account of membership in any given group. Freedom of expression had limits, and a balance must be found between freedom of expression and repression of clearly defamatory remarks.

51. On the questions regarding persons with disabilities, Monaco stressed the importance of the policy designed to give priority to the autonomy and normal social integration of persons with disabilities. It shared its good practices regarding access to transport, public facilities, apartments, work and education.

52. As regards the development of legislation, the delegation stated that Bill No. 893, mentioned earlier, was a priority for the National Council and the Government and had been submitted to the National Council.

53. On the subject of torture, he said that a variety of provisions in Monegasque domestic law covered acts of torture. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was among the legal provisions that judges could cite directly. No reports of acts of torture had been received recently in Monaco.

54. Concerning what might appear to be discrimination in the workplace, he explained that the protection instituted for Monegasque nationals was justified by the unique nature of the Principality. The Constitution afforded priority to Monegasque citizens in access to public and private employment if they possessed the necessary aptitudes: when aptitudes were equal, then priority came into play. No preference was given on grounds of race, gender, colour, public opinions or social origin. The system made it possible to promote full employment of nationals without depriving non-nationals of the possibility of being hired.

55. Social protection was based on the notion of workplace, and there was no discrimination. Monegasque wage earners and foreign wage earners who were regularly accorded work in the Principality enjoyed the same level of protection, irrespective of their nationality.

56. The possibility of joining the International Labour Organization (ILO) had not been ruled out. The analysis in which Monaco was engaging was justified by the question of how the ILO principles could be reconciled with the Monegasque system of priority in employment and trade union rights. The same reasons had led the Government of the Principality to continue its study of the possibility of ratifying ILO Convention No. 11 (1958) concerning Discrimination in Respect of Employment and Occupation.

57. The United Kingdom of Great Britain and Northern Ireland recognized that human rights were enshrined in the Constitution and noted the fair treatment of prisoners, which was monitored by independent observers. It welcomed the religious freedom that was enjoyed in Monaco and the country's efforts to eradicate child abuse. It was concerned that there was no law against sexual or gender discrimination in employment and no independent procedure to monitor complaints of human rights violations by the police. It made recommendations.

58. The United States of America commended Monaco for its long-standing exemplary human rights record, its contributions to attaining the Millennium Development Goals and its support to the Office of the United Nations High Commissioner for Refugees and other foreign aid and development assistance. It noted that Monaco had cooperated with legal experts from the European Commission for Democracy through Law (Venice Commission) on the formulation of an opinion on the Constitution of Monaco. It made recommendations.

59. Uruguay highlighted the signature and ratification by Monaco of international human rights instruments, its policies to promote and protect the rights of the elderly, its penitentiary administration reforms and its work in the fields of persons with disabilities and workplace violence. Uruguay made recommendations.

60. Thanking Monaco for its succinct national report, Viet Nam welcomed its achievements in the promotion and protection of human rights and its active contribution to international cooperation. Viet Nam encouraged Monaco to share its experiences and good practices with other countries. Recognizing that no country could claim to be a perfect example of human rights, Viet Nam made recommendations.

61. Albania commended Monaco for its commitment to human rights through effective measures and an extensive legal and administrative human rights framework, notably regarding the rights of vulnerable people. Albania looked forward to the adoption of the bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities and the ratification by Monaco of the Convention on the Rights of Persons with Disabilities. The establishment of the office of Minister for Appeals and Mediation would promote fairness and transparency. Albania made recommendations.

62. Commending Monaco for its efforts to promote human rights, Algeria noted its amendments to several laws, especially on the right to nationality and on eradicating crimes against children. It welcomed the signature and ratification of several international

instruments, including the Protocol relating to the Status of Refugees and the Convention against Discrimination in Education. Algeria made recommendations.

63. Morocco noted the adoption of new laws on criminal procedure, the right to nationality, crimes and offences against children and the protection of women against violence. It applauded Monaco for its continued provision of international assistance to disadvantaged groups and the compulsory study of human rights in schools. The relevant legislative measures could be shared as good practice. Commending Monaco on the measures it had taken to support persons with disabilities, Morocco noted the signature of the Convention on the Rights of Persons with Disabilities. It made a recommendation.

64. Australia welcomed the priority that had been given to human rights issues since the first review of Monaco. It commended Monaco for its progress in implementing the recommendations from that review, including its signature of the Convention on the Rights of Persons with Disabilities. It encouraged Monaco to actively consider ways of aligning its legislation with the obligations of signatories, with a view to ratification. Australia made a recommendation.

65. Brazil noted with satisfaction that, in line with the recommendations from its first review, Monaco has acceded to the Protocol relating to the Status of Refugees. Brazil congratulated Monaco on its accession to the Convention against Discrimination in Education and noted the establishment of the Ministry for Appeals and Mediation. The absence in the Criminal Code of a definition of torture in line with article 1 of the Convention against Torture remained a matter of concern. Brazil made recommendations.

66. Canada welcomed the steps Monaco had taken to strengthen capacity to address violence against women, children and other vulnerable persons by adopting new legislation and creating a specialized institution to care for children and women in need. Canada wished to know what progress had been made to encourage the participation of women in the Government Council and what measures would be implemented. Canada made recommendations.

67. Chile commended Monaco for its adoption of various human rights laws and its signature and ratification of major international human rights instruments. It highlighted policies and measures aimed at protecting the elderly. Chile made recommendations.

68. China noted with appreciation the efforts Monaco had made to improve its legislative framework and the measures it had introduced to protect the rights of vulnerable groups, namely women, children, people with disabilities and the elderly. China appreciated its cooperation with developing countries and the official development assistance it provided. Bearing in mind the recommendations of the European Commission against Racism and Intolerance, China asked whether Monaco intended to take additional measures to strengthen its fight against racism.

69. The Congo commended Monaco for the action it had taken to strengthen human rights, particularly the new laws it had adopted on criminal procedure, the right to nationality, specific forms of violence and crimes and offences against children. It noted the steps Monaco had taken to support persons with disabilities and to prevent violence against women and children. It applauded Monaco for its international commitment to combating poverty, centred around maternal and child health and pandemics. The Congo made a recommendation.

70. Costa Rica took note of progress made since the previous review of Monaco, which reflected its commitment towards the promotion and protection of human rights. It took note with appreciation of the amendments Monaco had made to its domestic legislation on transferring nationality, thus putting an end to practices which discriminated against

women. It acknowledged awareness-raising campaigns on discrimination and commended Monaco for its ratification of international instruments. Costa Rica made recommendations.

71. Cuba recognized the efforts Monaco had made and the results it had achieved in implementing the recommendations it had accepted from the first UPR cycle. It commended Monaco for the progress it had made in various areas, such as the protection of the rights of persons with disabilities, and of women and children. It noted, however, that Monaco also faced challenges in the area of human rights. Cuba made recommendations.

72. Ecuador congratulated Monaco on its efforts to implement recommendations from its first review and recognized the initiatives it had implemented on human rights training and awareness-raising for judges and the police. It welcomed the legislative changes Monaco had made on criminal procedure, crimes against children and violence against women. Ecuador made recommendations.

73. Estonia noted with appreciation that Monaco had become a party to core international human rights instruments and was cooperating fully with special procedures and treaty bodies. It acknowledged that human rights were part of domestic policy in Monaco and welcomed its implementation of previous recommendations, such as the adoption of legislation on the prevention and punishment of specific forms of violence. It noted efforts regarding gender equality and called on Monaco to prohibit corporal punishment and to punish domestic violence. It also encouraged Monaco to decriminalize defamation. Estonia made recommendations.

74. France welcomed the commitment Monaco had shown to human rights since the first UPR cycle, particularly with regard to the rights of persons with disabilities and the provision of international development assistance. It asked whether Monaco planned to implement a national strategy in order to apply the Guiding Principles on Business and Human Rights. It made recommendations.

75. Argentina congratulated Monaco on its ratification of international instruments, including the Convention against Discrimination in Education, and its accession to the Protocol relating to the Status of Refugees. It noted the efforts Monaco had made to fully integrate persons with disabilities and the adoption of legislation on the prevention and punishment of specific forms of violence. It encouraged Monaco to continue taking action to improve the treatment of migrants and asylum seekers. Argentina made recommendations.

76. Indonesia welcomed the commitment of Monaco to human rights and noted that it had strengthened its policies to protect women, children and persons with disabilities, including by developing domestic legislation related to the ratification of the Convention on the Rights of Persons with Disabilities. It welcomed the establishment of the office of Minister for Appeals and Mediation. It thanked Monaco for its unwavering commitment to international cooperation in maternal and child health, pandemics, neglected diseases, education and gender equality. Indonesia made recommendations.

77. Concerning women in the administration, the head of the delegation said that the majority of senior posts were occupied by women.

78. With respect to ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which Monaco had signed in 2007, the head of the delegation said that some of its provisions seemed incompatible with the provisions of Monegasque law. Nevertheless, Monaco was continuing its consideration of the matter.

79. Concerning the suggestions of the European Commission for Democracy through Law (Venice Commission) on bringing Monaco's laws on the functioning of the National Council into line with its actual practices, he said that Parliament was studying a timetable for doing precisely that.

80. There was no problem from the legal point of view with registering a complaint against police officers who committed violations of human rights. The police, including the members of the criminal investigation department, were supervised by the Public Prosecutor. There was also a special service responsible for investigating offences allegedly committed by police officers. The service reported directly to the Ministry of State and was in no way subordinate to the Commissioner of Police.

81. Concerning the Venice Commission's recommendations on legal matters, he said that the administration of justice was independent of and not linked to the Government. Act No. 1.398 of 25 June 2013 had completed the process begun with the 2009 reform of the regulations governing the judiciary, under which an oversight body for the judiciary, the High Council of the Judiciary, had been set up.

82. With regard to domestic violence, Monaco had adopted the law on the prevention and punishment of specific forms of violence and had organized training on assistance to victims for judges, court registrars, social workers and police officers.

83. Monaco monitored the detention of convicted persons who were serving their sentences in France, including by such measures as pardon or parole that were exclusively within its competence. It was about to finalize an agreement with France whereby a Monegasque judge would make periodic visits to the prisons concerned to check that detention conditions were in line with the standards prevailing in Monaco.

84. Concerning illegitimate funding, the delegation emphasized that Monaco provided effective judicial cooperation, irrespective of whether or not there was an international agreement with the requesting State. The Principality cooperated based on the principle of reciprocity and provided assistance to the various international bodies that were combating money laundering. Consideration was being given to setting up an agency to manage and administer all the funds that had been frozen by the Monegasque authorities.

85. He announced that in early 2014, the post of High Commissioner for the protection of rights and freedoms and mediation had been established.

86. He indicated that Wages Act No. 739 of 16 March 1963 guaranteed gender equality in remuneration and rendered null and void any regulation that discriminated between men and women in terms of remuneration. The only discrimination that existed was positive discrimination, in the sense that there were legislative provisions that offered enhanced protection to women and young people.

87. There was no differentiation in the Principality of Monaco among Monegasque wage earners; the rules for employers and employees were applicable to all employers and all employees without distinction as to race, religion, nationality, colour or gender.

88. The head of the delegation concluded by stating that Monaco would continue to work at both the national and international levels for the protection of the most disadvantaged groups; he reaffirmed Monaco's commitment to the United Nations and support for the universal periodic review mechanism.

II. Conclusions and/or recommendations**

89. **The recommendations formulated during the interactive dialogue/listed below have been examined by Monaco and enjoy the support of Monaco:**

** Conclusions and recommendations have not been edited.

89.1 **Ratify the Convention on the Rights of Persons with Disabilities, which Monaco signed in 2009 (France);**

89.2 **Ratify the Convention on the Rights of Persons with Disabilities (Togo);**

89.3 **Consider ratifying the Convention on the Rights of Persons with Disabilities, with particular consideration for widening accessibility for all, as mentioned in the article 9 of the Convention, in order that persons with disability could live independently and contribute to their local community (Thailand);**

89.4 **Consider ratifying the Convention on the Rights of Persons with Disabilities shortly (Morocco);**

89.5 **Complete the ratification of the Convention on the Rights of Persons with Disabilities at the earliest convenience, if possible (Viet Nam);**

89.6. **Accelerate the process for the ratification of the Convention on the Rights of Persons with Disabilities (Spain);**

89.7 **Step up procedures for the ratification of the Convention on the Rights of Persons with Disabilities (Albania);**

89.8 **Continue in its efforts with regard to the ratification of the Convention on the Rights of Persons with Disabilities and the Bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities (Indonesia);**

89.9 **Continue to consider ratifying the Convention on the Rights of Persons with Disabilities (Tunisia);**

89.10 **Consider adopting and implementing law on the independent functioning and organization of the National Council in order to reflect changes already made to the Constitution in 2002 (United States of America);**

89.11 **Include in its national criminal legislation, a definition of torture, in compliance with the provisions of the Convention against Torture (Maldives);**

89.12 **Complete the review of its legislative project on the abolition of the penalty of banishment and promptly follow-up on the results of this review (Canada);**

89.13 **Expedite action on the bill currently under consideration aimed at promoting and protecting the rights of persons with disabilities (Nigeria);**

89.14. **Strengthen the national unit for the protection of human rights within the Department of Foreign Affairs of the Monegasque Government and work towards the establishment of a national human rights institution (France);**

89.15 **Consider amending the institution of the Ombudsman currently available, so that it is more independent from the office and it can address human rights controversies among citizens and the various State institutions in an impartial and autonomous manner (Mexico);**

89.16 **Set up an independent body responsible for human rights (Algeria);**

89.17 **Create an independent national human rights institution in conformity with the Paris Principles (Tunisia);**

89.18 **Establish a national human rights institution, whose functioning is in accordance with the Paris Principles (Costa Rica);**

89.19 **Establish an independent national human rights institution in conformity with the Paris Principles, providing it with the necessary human and**

financial resources to effectively exercise its functions, including the investigation of allegations of torture (Uruguay);

89.20 **Consider the establishment of an independent national human rights institution, within, and in accordance with the appropriate domestic procedural and legal framework (Maldives);**

89.21 **Consider establishing an independent national human rights institution in conformity with the Paris Principles and set up an independent human rights structure to receive human rights complaints from individuals (Slovenia);**

89.22 **Consider establishing an independent human rights institution in conformity with the Paris Principles (Indonesia);**

89.23 **Establish a mechanism that monitors gender equality in employment, wage discrimination against women and discrimination on sexual orientation (United Kingdom of Great Britain and Northern Ireland);**

89.24 **Continue strengthening protection policies in favour of boys and girls, women and persons with disabilities (Chile);**

89.25 **Continue concentrating efforts towards older persons, with a view to adequately addressing the challenge resulting from an increasing number of elderly adults (Chile);**

89.26 **Pursue its efforts to take up the challenges of human rights in accordance with international standards (Oman);**

89.27 **Continue its efforts of raising awareness on human rights issues among its population (Mauritius);**

89.28 **Continue the efforts in the area of human rights training for the judiciary and police staff (Chile);**

89.29 **Strengthen the fight against all forms of discrimination (Ecuador);**

89.30 **Intensify its efforts to combat racial discrimination, xenophobia and intolerance, and to encourage high level politicians to take a clear stand against these scourges (Tunisia);**

89.31 **Undertake all possible efforts to combat racism, racial discrimination, xenophobia and other forms of related intolerance (Cuba);**

89.32 **Accelerate the study of draft laws aimed at combating racial discrimination, particularly with regard to migrants, and reinforce the protection of foreign workers (Uruguay);**

89.33 **Expedite action on bills currently under consideration aimed at combating racial discrimination (Nigeria);**

89.34 **Enact a specific law outlawing racist or xenophobic attitudes and prohibiting the display of racist symbols or signs reflecting a racist ideology in sport (Islamic Republic of Iran);**

89.35 **Amend the criminal legislation with the view of introducing the racist motivated offence as an aggravating criminal circumstance (Albania);**

89.36 **Make specific provision in its criminal law for preventing and combating racist motivations which constitute an aggravating circumstance in the country (Islamic Republic of Iran);**

89.37 **Continue with efforts to promote gender equality (Nigeria);**

89.38 **Take measures to raise awareness of its new legislation concerning domestic violence and inform victims of violence about their rights and help available to them (Canada);**

89.39 **Put in place an independent procedure to monitor complaints of human rights violations by the police (United Kingdom of Great Britain and Northern Ireland);**

89.40 **Consider establishing a mechanism to monitor the conditions of execution of the sentence of the convicted prisoners deprived of their liberty in France (Costa Rica);**

89.41 **Encourage the establishment of non-governmental human rights organizations (Slovenia);**

89.42 **Attach greater relevance and adopt measures to guarantee the enjoyment of all economic, social and cultural rights of its population (Cuba);**

89.43 **Continue the efforts for the equal guarantee of the right to free medical assistance for children, with special attention to those from disadvantaged environments (Ecuador);**

89.44 **Redouble its efforts in providing and facilitating better access for all in exercising their right to health and right to education (Malaysia);**

89.45 **Strengthen the protection of foreign workers in the country, including through the revision of relevant legislation on their working conditions (Thailand);**

89.46 **Adopt the pending legislation on harassment and violence in the workplace and continue to ensure protection of non-Monegasque workers from any form of discrimination, including in terms of access to social and health services (Republic of Moldova);**

89.47 **Increase the international cooperation activities aimed at the development of other countries (Cuba);**

89.48 **Pursue its commitments in the area of international development aid, especially in the area of health and poverty (Viet Nam);**

89.49 **Continue to attach priority in the area of international cooperation to combating poverty, to mother and child health, to education and to combating pandemics (Togo);**

89.50 **Take all appropriate measures for the effective implementation of its voluntary commitment in terms of international cooperation to work towards food security and gender equality (Congo);**

89.51 **Guarantee the cooperation and responsiveness of financial institutions with regard to requests for the recovery of funds of illicit origin (Tunisia).**

90. **The following recommendations will be examined by Monaco which will provide responses in due time, but no later than the twenty-fifth session of the Human Rights Council in March 2014:**

90.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in order to increase the possibilities for complaints and investigation by the Committee on Economic, Social and Cultural Rights, and thereby bringing such protection system at the same level of the existing one with regard to civil and political rights (Spain);**

90.2 **Ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (France);**

90.3 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to better fight against discrimination against women and to ensure greater protection of such group (Spain);**

90.4 **Ratify the Optional Protocol to the Convention against Torture (Brazil); Ratify the Optional Protocol to the Convention against Torture (France);**

90.5 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Estonia); Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**

90.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

90.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which Monaco signed in 2007 (France);**

90.8 **Continue to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);**

90.9 **Accelerate the legislative procedures and judicial reforms aimed at the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its monitoring body (Uruguay);**

90.10 **Ratify the Rome Statute of the International Criminal Court (Montenegro); Ratify the Rome Statute of the International Criminal Court (Australia); Ratify the Rome Statute of the International Criminal Court (France); Ratify the Rome Statute of the International Criminal Court (Brazil);**

90.11 **Continue to consider ratifying the Rome Statute of the International Criminal Court (Tunisia);**

90.12 **Ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the ICC, and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts (Netherlands);**

90.13 **Ratify the Rome Statute of the International Criminal Court, fully align its national legislation with the obligations under the Rome Statute and accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Ireland);**

90.14 **Ratify/accede to the Rome Statute of the International Criminal Court, to implement it fully at national level and to accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Slovakia);**

90.15 **Ratify the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and to fully align its national legislation with the obligations contained therein (Estonia);**

90.16 **Accelerate the internal procedures to ratify the Rome Statute of the International Criminal Court, and adhere to the Agreement on the Privileges and Immunities of the International Criminal Court, as well as to the Convention on the**

Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay);

90.17 **Examine the incompatibilities of national legislation that prevent its adherence to the ILO and ratify its Conventions, in particular ILO Conventions No. 111 and No. 87 (Uruguay);**

90.18 **Become a member of the International Labour Organization and the respective conventions (Germany);**

90.19 **Consider ratifying the fundamental ILO Conventions (Nicaragua).**

91. **The recommendations below did not enjoy the support of Monaco:**

91.1 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);**

91.2 **Consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);**

91.3 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);**

91.4 **Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and recognize the competence of the Committee (Uruguay);**

91.5 **Consider enacting Venice Commission recommendations to bring some of its laws formally in line with its already democratic practices (United States of America);**

91.6 **Decriminalize defamation and make it part of the Civil Code (Ireland);**

91.7 **Take measures in order that the Constitution and other national legislation contain proper provisions that clearly establish the principle of equal treatment and non-discrimination on the grounds of race, colour, ethnic origin, nationality, language or religion (Mexico);**

91.8 **Continue its efforts to consolidate the legislative framework in the field of the protection against discrimination, in particular in relation to the employment of non-nationals (Netherlands);**

91.9 **Review and abolish those legal and practical measures which precluded the naturalized Monegasques, being eligible for elections, in particular articles 54 and 79 of the Constitution in order to remove any inappropriate differentiation between its citizens (Islamic Republic of Iran);**

91.10 **Consider ways to further ensure the independence of the judiciary, such as vesting the High Council of Judges and Prosecutors in the Constitution (United States of America);**

91.11 **Conduct an analysis of the discriminatory treatments that may be affecting foreigners, especially in the field of employment, and consider amending its legislation in accordance with the result of this study (Canada).**

92. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[*English/French only*]

Composition of the delegation

The delegation of Monaco was headed by Mr. José Badia, Conseiller de Gouvernement pour les Relations extérieures, (Minister of Foreign Affairs), and composed of the following members:

- S.E.M. Philippe Narmino, Directeur des Services Judiciaires;
- S.E. Mme Carole Lanteri, Ambassadeur, Représentant Permanent de la Principauté de Monaco auprès de l'Office des Nations Unies;
- M. Jean-Charles Allavena, Conseiller National;
- Mme Mireille Pettiti, Directeur Général, Département des Relations Extérieures;
- Mme Virginie Cotta, Directeur Général, Département des Affaires Sociales et de la Santé;
- Mme Dominique Pastor, Conseiller technique, Département des Affaires Sociales et de la Santé;
- M. Eric Bessi, Directeur du Travail;
- Mme Marina Ceyssac, Conseiller auprès de Monsieur le Directeur des Services Judiciaires;
- M. Jean-Laurent Ravera, Chargé de Mission au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
- M. Frédéric Pardo, Administrateur juridique principal au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
- Mme Laurence Coda, Conseiller Technique, Département de l'Intérieur;
- Mme Marie-Hélène Gamba, Conseiller Technique, Direction de l'éducation nationale de la jeunesse et des sports;
- M. Johannes De Millo Terrazzani, Conseiller de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
- M. Gilles Realini, Deuxième Secrétaire de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
- Mme Justine Ambrosini, Secrétaire des Relations Extérieures, Direction des Affaires Internationales.